

Remarks

Amendments to the specification include the paragraph beginning on the last line of page 4 and ending on page 5 at line which has been amended to clearly point out that the invention comprises an emitter/marketing head assembly as contrasted with a system in which the marking head is remotely located from the emitter. Similarly, the second full paragraph of page 5 beginning at line 11 has been to define the emitter/marketing head assembly. These amendments are fully supported in the specification and drawings originally filed.

Claim 1 has been amended to clearly point up the gist of the invention which resides in the assembly of the emitter and the marking head. Additional amendments have been made to conform claim language and to improve the readability of the claim. Claim 6 has been amended at the second line to replace "suction cups" with—marketing head--. This amendment is made to correct an obvious typographical error. The amendments to the claims are fully supported in the specification.

The Examiner has rejected claims 1-6 as anticipated by the Drouillard et al produce marking system. Drouillard et al. discloses a laser marking system that is very similar to the etching system described U.S. Patent 5,298,717, issued March 29, 1994 in the name of Thomas and referred to in the instant specification. Derossett describes apparatus utilized to carry out the laser inscription of a surface, including auto safety glass that includes an emitter housing in which the laser emission source is located. The emitter housing further includes control means for controlling the output beam to form the desired pattern. A marking head remote from the emitter housing electronically and optically communicates with the emitter housing. Beam directing means in the marking head are electronically connected to the control means in the emitter housing to direct the beam from the emission end of the marking head over

the surface to etch the desired pattern. The marking head optically communicates with the emitter housing by a flexible articulated arm that defines an enclosed optical path from the emitter housing for conducting the emission beam to the marker head. While the Derossett apparatus is successfully used to inscribe VIN numbers the apparatus requires frequent time consuming adjustments to the optical path in order to insure correct alignment of the laser beam. In addition, replacement of marking heads can be time consuming due to the necessity of assembling the new marking head and the flexible optical path and aligning the laser beam with the optical path and the marking head.

Drouillard likewise defines a marking head that is remotely located with respect to the emitter and that is optically connected to the emitter by means of an articulated arm. Consequently, Drouillard would be subject to the same deficiencies as Derossett.

Drouillard does not disclose an emitter/marketing head assembly in which the marking head is directly pivotally connected to the emitter housing. The present invention is an improvement over the system described in Derossett and Drouillard. The present invention eliminates the disadvantages of Derossett and Drouillard, particularly the need to constantly adjust the articulated arm. In addition the optical path in applicants' emitter/marketing head assembly is considerably shorter making adjustments of the emission beam easier and less subject to error and substantially making the replacement of marking heads less time consuming and less costly.

There is no showing in Drouillard et al. of a vacuum system to hold the produce in place and since the produce is moving such a system might very well interfere with production. The vacuum as is most clearly shown in FIG. 9 is used to draw particles of produce skin way from the marking head Applicants' vacuum system as defined in claim 6 on the other hand is designed

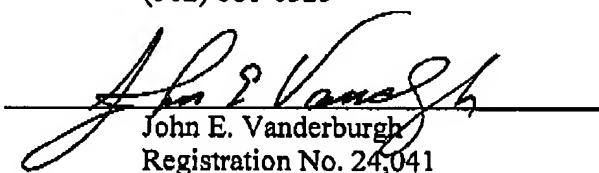
to draw the emission face against the surface being etched to insure the retainer pins (claim 5) are retracted for activating the laser emission. No such arrangement is disclosed in Drouillard et al.

The cancellation of claim 7 renders the § 103 rejection moot.

In view of the foregoing amendments and remarks it is submitted that the Examiners objections to the claim have been traversed and the rejection mooted in view of the cancellation of the rejected claims. Accordingly it is respectfully requested that a notice of allowance be issued in this case.

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Respectfully Submitted,  
STITES & HARBISON, PLLC  
400 West Market Street, Suite 1800  
Louisville, KY 40202-3352  
(502) 681-0325



John E. Vanderburgh  
Registration No. 24,041